

IN THE UNITED STATES DISTRICT COURT FOR THE  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

HILDA L. SOLIS, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

vs.

NEW CHINA BUFFET #8, INC., YUN DA  
CHEN, and Individual and YONG KAI  
CHEN, an Individual,  
Defendant

Crim. No. 5:10-CV-78 (CAR)

**DECLARATION OF YONG KAI CHEN**

COMES NOW Yong Kai Chen and declares under penalty of perjury as follows:

1.

My name is Young Kai Chen. I am over 18 years of age and under no legal disability. The facts stated in this Declaration are true and correct and are based upon my personal knowledge.

2.

I am not and have never been employed by New China Buffet #8, Inc., and I have never had any ownership interest in New China Buffet #8, Inc., or any other restaurant operating in Bibb County, Georgia.

3.

In approximately early Spring of 2009, I began negotiating with Yun Da Chen regarding the possible purchase of New China Buffet #8, Inc. I do not remember the exact date. I am not related to Yun Da Chen.

4.

As part of my due diligence, I came to Macon Georgia the Spring of 2009 and spent a few days at New China Buffet #8, Inc. in order that I could observe the restaurant functioning. I did not want to purchase the restaurant without seeing it in operation first.

5.

After spending a few days at the restaurant and observing its operation I decided that I did not want to purchase New China Buffet # 8, Inc.

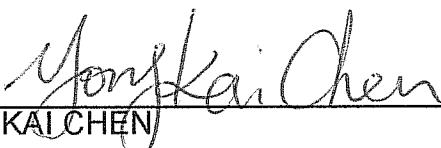
6.

I have never:

- A. Had the power to hire, fire or discipline workers at New China Buffet # 8, Inc.;
- B. Had responsibility for supervising or controlling work schedules or conditions of employment for workers at New China Buffet # 8, Inc.;
- C. Determined the rate or method of compensation for workers at New China Buffet #8, Inc.;
- D. Maintained any employment records for workers at New China Buffet #8, Inc.;
- E. Had control over the day-to-day operations of New China Buffet #8, Inc.; or
- F. Made any decisions about the hiring, firing or compensation of workers at New China Buffet #8, Inc.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 2010.

  
YONG KAI CHEN